



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Central Regional Office • 8 New Bond Street, Worcester MA 01606 • 508-792-7650

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

Mr. Peter Ness
EHS Site Leader
CPF, Inc.
20 Harvard Road
Littleton, MA 01460

Re: **NOTICE OF NONCOMPLIANCE**
Enforcement Document Number: 00010286

Noncompliance with M.G.L. Chapters 111, 21C and 21 and
310 CMR 7.00, 310 CMR 30.000 and 314 CMR 3.00

At: CPF, Inc
20 Harvard Road
Littleton, MA 01460

MassDEP Facility ID #: 186901

Dear Mr. Ness:

Massachusetts Department of Environmental Protection (“MassDEP”) personnel have observed or determined during a remote inspection beginning on August 17, 2020 that activity occurred at CPF, Inc. located at 20 Harvard Road in Littleton, MA, in noncompliance with one or more laws, regulations, orders, licenses, permits, or approvals enforced by MassDEP.

Enclosed please find a Notice of Noncompliance, an important legal document describing the activities that are in noncompliance, and an Inspection Report.

Additionally, this letter contains general information on possible options to reduce the quantity, toxicity and/or global warming potential of the materials used by your facility, which if implemented, may assist in correcting the violations described in the enclosed documents.

OPPORTUNITIES FOR REDUCING THE FACILITY’S ENVIRONMENTAL IMPACT

By modifying the facility’s processes and/or waste generation practices, you may be able to reduce or eliminate the environmental regulatory requirements and fees that apply to this facility, including requirements to:

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

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- notify MassDEP;
- obtain MassDEP permits or other approvals;
- manage wastes in specific ways; and
- file reports on your operations with the agency.

Potential modifications may include:

- reducing the quantity and/or toxicity and/or global warming potential of waste that requires disposal;
- eliminating or reducing the use of toxic or greenhouse gas emitting chemicals by the facility; and
- increasing energy efficiency.

In addition, these modifications may improve your product quality and/or process efficiency, and save money.

Potential opportunities that were observed during the inspection are:

CPF, Inc. is currently registered as a Small Quantity Generator (SQG) of hazardous waste and does not currently ship much hazardous waste. This would be a cost-saving opportunity for the company to re-register as a Very Small Quantity Generator (VSQG) of hazardous waste and save thousands of dollars annually and accurately represent the company's current hazardous waste operations.

Tracking the facility's hazardous substances use and greenhouse gas emissions and reviewing that data periodically may lead to the identification of additional opportunities to reduce the quantity and toxicity of materials used, of greenhouse gases emitted, and of hazardous wastes generated.

For information on reducing hazardous chemical use, greenhouse gas emissions, and/or waste generated, you may contact:

- The Office of Technical Assistance (617-626-1060) for free, CONFIDENTIAL technical assistance including on-site assessments, financial evaluations, the handbook "The Practical Guide to Toxics Use Reduction", and other resources.
- The Toxics Use Reduction Institute (978-934-3275) for courses for certified "Toxics Use Reduction Planners".
- MassDEP's Toxics Use Reduction Program (617-292-5982) for guidance material on the Toxics Use Reduction Act requirements.
- The MA Department of Energy Resources, (617-626-7300) for further information on energy efficiency programs.
- The Recycling Works in Massachusetts program (888-254-5525) or (<http://recyclingworksma.com/>) for source reduction, reuse and/or recycling that

decrease the quantity of solid waste requiring disposal. In many cases waste reduction of these materials provides overall cost-saving opportunities.

- For MassDEP sponsored assistance programs go to:
<http://www.mass.gov/eea/agencies/massdep/recycle/reduce/assistance-for-businesses.html>.

If you have any questions regarding this matter, please contact Stephen Klosz of this office at (508) 849-4022.

Sincerely,

November 24, 2020
Date



Giles T. Steele-Perkins
Section Chief, Compliance & Enforcement
Bureau of Air and Waste

GS-P/SK

Enclosure

ecc: James Cain, MA Office of Technical Assistance
Electronic Archive

NOTICE OF NONCOMPLIANCE

THIS IS AN IMPORTANT NOTICE. FAILURE TO TAKE ADEQUATE ACTION IN RESPONSE TO THIS NOTICE COULD RESULT IN SERIOUS LEGAL CONSEQUENCES.

Based on the Massachusetts Department of Environmental Protection's (the "Department" or "MassDEP") remote investigation beginning on August 17, 2020, noncompliance occurred or was observed at CPF, Inc. located at 20 Harvard Road in Littleton, MA, in violation of one or more laws, regulations, orders, licenses, permits or approvals enforced by MassDEP.

This Notice of Noncompliance describes (1) the requirement violated, (2) the date and place on which MassDEP asserts the requirement was violated, (3) either the specific actions which must be taken in order to return to compliance or direction to submit a written proposal describing how and when you plan to return to compliance, and (4) the deadline for taking such actions or submitting such a proposal.

If the required actions are not completed by the deadlines specified below, an administrative penalty may be assessed for every day after the date of receipt of this Notice that the noncompliance occurs or continues. MassDEP reserves its rights to exercise the full extent of its legal authority in order to obtain full compliance with all applicable requirements, including, but not limited to, criminal prosecution, civil action including court-imposed civil penalties, or administrative action, including administrative penalties imposed by MassDEP.

NAME OF ENTITY IN NONCOMPLIANCE:

CPF, Inc., Facility ID #: 186901
(hereinafter referred to as the "Company")

LOCATION WHERE NONCOMPLIANCE OCCURRED OR WAS OBSERVED:

20 Harvard Road
Littleton, MA 01460

DATE WHEN NONCOMPLIANCE OCCURRED OR WAS OBSERVED:

August 17, 2020

DESCRIPTION OF NONCOMPLIANCE:

The Department's investigation shows that the Company had the following violations:

A. Air Pollution Control:

1. Failure to keep specified records in compliance with its 7.02 Plan Approval, in violation of 310 CMR 7.02(3)(f). Specifically, the Company was not keeping records associated with a limited plan approval (#W054305, issued December 13, 2004) that requires tracking and recording of VOCs from the flavorings that use alcohol in their products as well as the restricted emission status (RES) records required for the boilers operated on site (#W205713, issued May 8, 2008). The regulation, 310 CMR 7.02(3)(f), states:

“Compliance with Plan Approvals. Other than as provided in 310 CMR 7.02(2)(f), no person shall operate a facility approved under 310 CMR 7.02 except in compliance with any plan approval issued to the facility. A plan approval does not reduce or negate the responsibility of the facility owner or operator to comply with any other applicable requirements of the Department.”

B. Hazardous Waste:

2. Failure to post a sign with the words “Waste Oil” in the waste oil/used oil fuel accumulation areas, in violation of 310 CMR 30.253(6)(b)(1). Specifically, photographs of the accumulation areas designated for the storage of used waste oil showed that these areas were not indicated with the proper signage. The regulation states:

“Generators of waste oil and/or used oil fuel shall comply with the following regulations, except that in implementing and enforcing said regulations with respect to used oil fuel, the term "used oil fuel" shall be used instead of the terms "waste" or "hazardous waste" wherever the latter two terms are used in said regulations, or in any other regulations referred to therein:

(b) All Small Quantity Generators of waste oil and/or used oil fuel shall comply with 310 CMR 30.351, including all regulations referred to therein, except that a Small Quantity Generator of waste oil and/or used oil fuel:

1. need not comply with the signage requirement of 310 CMR 30.341(4) referenced in 310 CMR 30.351(8)(a). Instead, all areas where waste oil and/or used oil fuel is accumulated or stored, except for satellite accumulation areas, shall have posted at all times a sign with the words "WASTE OIL" in capital letters at least one inch high.

3. Failure to properly mark and label container(s) and/or tank(s) accumulating waste oil and/or used oil fuel, in violation of 310 CMR 30.341(2), as referred to by 310 CMR 30.351(8)(a), as referred to by 310 CMR 30.253(6)(b). Specifically, the drum photograph that contained waste oil was not affixed with the correct label for waste oil. The regulation, 310 CMR 30.341(2), states:

“Each tank or container in which hazardous waste is being accumulated shall be clearly marked and labeled throughout the period of accumulation. Marks and labels shall be clearly visible for inspection. For aboveground tanks and containers, marks and labels shall be made on the side of each tank or container. For underground tanks, marks and labels shall

be made on the aboveground portion of the tanks or on a sign in close proximity to the tank. Each tank or container shall be marked and labeled with the following:

- (a) The words "Hazardous Waste";
- (b) The hazardous waste(s) identified in words (e.g., acetone, toluene);
- (c) The type of hazard(s) associated with the waste(s) indicated in words (e.g., ignitable, toxic, dangerous when wet);
- (d) The date upon which each period of accumulation begins.”

4. Failure to clearly delineate the waste oil/used oil fuel accumulation area(s) from the generation area, in violation of 310 CMR 30.341(5), as referred to by 310 CMR 30.351(8)(a), as referred to by 310 CMR 30.253(6)(b). Specifically, photographs of the accumulation areas designated for the storage of waste oil showed that these areas were not clearly distinguishable as such. The regulation, 310 CMR 30.341(5), states:

“All areas where wastes are accumulated for purposes of complying with 310 CMR 30.000 generally shall be clearly marked (e.g., by a clearly visible line or piece of tape on the floor, or by a gate or fence, or by a sign at the boundary of a clearly distinguishable area) so that they are clearly distinguishable at all times from all specific points of generation where wastes are initially accumulated solely for purposes of 310 CMR 30.340(6), and from all areas at the site of generation where wastes are not accumulated.”

5. Failure to perform required inspections of waste oil/used oil fuel containers and accumulation area(s), in violation of 310 CMR 30.686, as referred to by 30.342(1)(d), as referred to by 310 CMR 30.351(8)(b), as referred to by 310 CMR 30.253(6)(b). Specifically, the Company admitted via email that the accumulation areas designated for the collection of waste oil were not being inspected. The regulation, 310 CMR 30.686, states:

“At least weekly, the owner or operator shall inspect areas where containers are stored, looking for leaking and for deterioration, caused by corrosion or other factors, of containers and the containment system.”

6. Failure to use a closed container for mercury-containing lamps to prevent a release of any universal waste into the environment, in violation of 310 CMR 30.1034(5)(a). Specifically, mercury-containing lamps were photographed in open boxes in the universal waste accumulation area. The regulation, 310 CMR 30.1034(5)(a), states:

“A small quantity handler of universal waste shall manage universal waste mercury-containing lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment as follows:

- (a) A small quantity handler of universal waste must contain any lamp in a container or package that is structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must be maintained to prevent leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

7. Failure to promptly notify the Department in writing of the change in the name of the person who is the generator of the hazardous waste and the owner and operator of the hazardous waste facility covered by the original or most recent notification form, in violation of 310 CMR 30.061(2)(a), as referred to by 310 CMR 30.351(10)(c) and 30.303(1). Specifically, CPF, Inc. purchased the facility from Patriot Beverages, LLC in 2018 but has not updated its hazardous waste and waste oil registration with MassDEP. The regulation, 310 CMR 30.061(2)(a), states:

“Any person who generates hazardous waste, or who owns or operates a facility for the use, treatment, storage, or disposal of hazardous waste, shall promptly notify the Department in writing whenever

(a) the person who submitted the original or most recent notification form is no longer the same person as the person who is the generator of the hazardous waste covered by said notification form, or the person who is the owner or operator of the facility covered by said notification form. If the facility is a facility having interim status pursuant to RCRA, the provisions of 310 CMR 30.099(8) shall apply. If the facility is licensed pursuant to 310 CMR 30.800, the provisions of 310 CMR 30.828 shall apply.”

C. Industrial Wastewater:

8. During the months of January 2020 and June 2020, the Company discharged process wastewater to a stream under the regulatory authority of a EPA-DEP jointly issued National Pollutant Discharge Elimination System (NPDES) Permit and failed to comply with the terms and conditions of its discharge permit, in violation of the 314 CMR 3.19(2). Specifically, the Company discharged treated process wastewater to Reedy Meadow Brook during the months of February to July, excluding March, with a pH of 8.4 s.u. to 8.5 s.u. The EPA-DEP jointly issued NPDES Permit, MA0004936, has a maximum limit of 8.3 s.u. Also, during the months of January and June in 2020, the Company discharged stormwater to Reedy Meadow Brook that contained total suspended solids at a reported concentration of 139.6 mg/l for January and 131.8 mg/l for June. The permit’s discharge limit is 100 mg/l. The regulation, 314 CMR 3.19(2), states:

“Duty to Comply. The permittee shall comply at all times with the terms and conditions of the permit, any conditions included in a related water quality certification issued by the Department, 314 CMR, the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 through 53, and all other applicable state and federal statutes and regulations.”

ACTIONS TO BE TAKEN AND THE DEADLINE FOR TAKING SUCH ACTIONS:

The following actions to be taken have individual deadlines associated with them. The Company shall take the necessary steps to correct the violations within the specified deadlines as noted and shall return to compliance with the requirements described below.

A. Air Pollution Control:

1. Immediately upon receipt of this Notice, operate the facility in accordance with the terms and conditions of the limited plan approval and RES, in compliance with 310 CMR 7.02(3)(f).

Within thirty (30) days of the date of receipt of this Notice, submit a report identifying:

- why the plan approval conditions were not adhered to;
 - what actions were taken to operate in compliance with the plan approval; and
 - what action will be taken to ensure future compliance with the plan approval.
- Include a copy of the relevant records.

B. Hazardous Waste:

2. Within fourteen (14) days of the date of receipt of this Notice, post a sign with the words "Waste Oil" in the waste oil accumulation area, in compliance with 310 CMR 30.253(6)(b)(1).

3. Within fourteen (14) days of the date of receipt of this Notice, mark and label all tanks and containers accumulating waste oil and/or used oil fuel with the words "Hazardous Waste"; the Hazardous Waste identified in words, e.g. "Waste Oil"; the type of hazard associated with the waste indicated in words, e.g. "Toxic"; the date upon which each period of accumulation begins, in compliance with 310 CMR 30.341(2). Place all marks and labels on the sides of each tank or container in such a manner that they are clearly visible for inspection.

4. Within fourteen (14) days of the date of receipt of this Notice, clearly delineate the waste oil/used oil fuel accumulation areas, in compliance with 310 CMR 30.341(5).

5. Within fourteen (14) days of the date of receipt of this Notice, inspect the waste oil container(s) and accumulation areas, in compliance with 310 CMR 30.686.

The Company has already begun to inspect their accumulation areas weekly and has demonstrated recordkeeping practices for the inspections.

6. Immediately upon receipt of this Notice, use a proper container for mercury-containing lamps to prevent a release of any universal waste into the environment, in compliance with 310 CMR 30.1034(5)(a).

7. Within fourteen (14) days of the date of receipt of this Notice, notify the Department in writing of the person who is the current generator of the hazardous waste covered by the notification form, in compliance with 310 CMR 30.061(2)(a). Forms and instructions may be found at: <https://www.mass.gov/guides/hazardous-waste-generation-generators#-obtain-or-modify-an-id-number->

C. Industrial Wastewater:

8. Within thirty (30) days of the date of receipt of this Notice, in compliance with 314 CMR 3.19(2), submit the following in response to the discharge of wastewater containing pollutants in excess of the Company's permit parametric limits:

- submit a written explanation to MassDEP describing the cause of the referenced permit violation(s); and
- submit a written explanation to MassDEP describing the procedures that has implemented in order to prevent a reoccurrence of the referenced violations.

D. General:

9. Within thirty (30) days of the date of receipt of this Notice, the Company shall submit to MassDEP a written description of each of the actions taken to correct the violations noted above as well as a status report of any corrective actions planned or being taken to achieve or maintain compliance. Any and all supporting documentation shall be included with the response to MassDEP.

Please address your reply to this Notice of Noncompliance to Giles T. Steele-Perkins at this office.

Date: November 24, 2020



Giles T. Steele-Perkins
Section Chief, Compliance & Enforcement
Bureau of Air and Waste

GS-P/SK